

**2255 MARTIN LUTHER KING JR.
AVENUE, S.E.**

**STATEMENT
OF THE APPLICANT
TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR A
SECOND-STAGE PUD AND
MODIFICATIONS TO AN APPROVED PUD**

JUNE 27, 2014

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LIST OF EXHIBITS

Exhibit	Description
A	Zoning Commission Order No. 08-07
B	Approved First-Stage PUD Plans
C	Architectural Plans and Elevations
D	Building Plat
E	Certificate of Notice, Notice of Intent, and Property Owner List

I. INTRODUCTION

Four Points, LLC and Curtis Properties, Inc., as contract purchaser and owner, respectively (together, the "Applicant"), hereby submit this statement and the attached documents to the Zoning Commission of the District of Columbia (the "Zoning Commission") in support of its application for a second-stage planned unit development ("PUD") and modifications to the approved PUD for property located at 2255 Martin Luther King Jr. Avenue, S.E. (Lot 839 and a portion of Lot 906 in Square 5785) (the "Subject Property"). Pursuant to Z.C. Order No. 08-07, which became final and effective on October 25, 2013, the Zoning Commission approved the first-stage PUD and related map amendment for certain lots within the overall PUD site from the C-2-A District to the C-3-A District (Exhibit A).

The overall PUD site encompasses Square 5772, Lots 827, 829, 831, 880, 984, 1017 and 1019; Square 5783, Lots 829 and 1018; Square 5784, Lots 898, 899 and 900; and Square 5785, Lots 839 and 906 (collectively, the "PUD Site"). The PUD Site has a combined land area of approximately 340,467 square feet (approximately 7.8 acres), and is generally bounded by U Street, to the north, Martin Luther King, Jr. Avenue to the east, Chicago Street to the south, and Interstate 295 to the west, all located in the southeast quadrant of the District.

The approved first-stage plans for the Subject Property ("Approved First-Stage Plans"), attached hereto as Exhibit B, authorize approximately 65,000 square feet of gross floor area devoted to residential use, comprised of 65 dwelling units (plus or minus 10 percent). As shown on Sheet 09 of the Approved First-Stage Plans, the development parameters for the building include a density of 2.57 FAR; a lot occupancy of 43 percent; a building height of 60 feet (not including roof structures); 33 off-street parking spaces; 22 bicycle parking spaces; and a 30-foot loading berth with a 200 square foot loading platform.

The Subject Property is zoned C-3-A and has approximately 200 linear feet of frontage on Martin Luther King Jr. Avenue, S.E. The Subject Property is generally bounded by private property to the north, Martin Luther King Jr. Avenue to the east, Chicago Street to the south, and a public alley to the west. The second-stage PUD application for the Subject Property proposes the development of a six-story, mixed-income residential building. The building will contain approximately 71 residential units, various tenant amenities, and 26 below-grade parking spaces. Eighty percent of the residential units will be devoted to households earning up to 60 percent of the area medium income ("AMI").

II. APPROVED FIRST-STAGE PUD DEVELOPMENT PARAMETERS AND PROPOSED DEVELOPMENT

As shown on the Architectural Plans and Elevations (the "Plans") attached hereto as Exhibit C, the Applicant seeks second-stage approval and modifications to permit the development of a multifamily building on the Subject Property with approximately 68,263 square feet of gross floor area devoted to residential use. The proposed development program includes 71 residential units, of which 80 percent will be devoted to households earning up to 60 percent of the AMI. The proposed income mix includes eight units at 30 percent of the AMI, 26 units at 50 percent of the AMI, and 23 units at 60 percent of the AMI. The building will have an FAR of 2.85 and will be constructed to a maximum height of 65 feet at its highest point. The building does not include any roof structures that exceed four feet in height. The building will include 26 off-street parking spaces located in a below grade garage, 37 bicycle parking spaces, and a 30-foot loading berth with a 100 square foot loading platform.

The architectural design responds to specific elements of the built environment such as scale, views, orientation, and urban fabric. The height of the proposed 6-story building serves as a transition between the existing low and mid-rise structures and the proposed, taller buildings

already approved as part of the overall PUD. The building is 5-stories along the Chicago Street side in order to make the scale transition more significant; a roof terrace was located here in order to take advantage of city and river views to the West and South of the site.

The proportions of the site informed the longitudinal layout of the building. The main entrance is located at the intersection of Martin Luther King Jr. Avenue and Chicago Street and serves as an arrival point to the development and neighborhood at large. Street presence is enhanced along Martin Luther King Jr. Avenue and the alley with small balconies on the upper levels and private entrances to the live/work units on the ground floor. These facades were also designed to be horizontal in proportion to reduce visual scale of the 6-story building.

Service access and entrance to the underground parking garage are located on the back side of the building in order to strengthen the urban fabric and avoid curb cuts along Martin Luther King Jr Ave.

The materials selected in the design are compatible with those found in the neighborhood; face brick and metal storefront were selected along the ground floor for durability; fiber cement and metal panels were selected on the upper levels for ease of maintenance. Balcony railings and canopies will also be made of metal. An Energy Star roofing membrane was specified to reduce heat absorption in the building. The same level of detailing and proportion of materials is consistent on all building facades.

III. TABULATION OF DEVELOPMENT DATA

The tabulation of development data for this second-stage PUD is included as sheet "2. Zoning Chart" of Plans attached hereto as Exhibit C.

IV. FLEXIBILITY UNDER PUD GUIDELINES

The PUD process was created to allow greater flexibility in planning and design than may otherwise be possible under conventional zoning procedures. The Applicant seeks such flexibility from the first-stage PUD approval and from certain requirements of the Zoning Regulations, as set forth below.

A. Flexibility from First-Stage Approval

The Applicant seeks flexibility from the approved development parameters of the Subject Property. Since the Zoning Commission issued Order No. 08-07, the Applicant has worked diligently to develop a more detailed program and design for the Subject Property. Based on additional design work and analysis, the Applicant gained a more realistic assessment of the necessary zoning parameters and made minor modifications to the design and program of the proposed building. As shown on the Plans, the Applicant requests the following flexibility from the approved Zoning Commission Order No. 08-07.

	Approved during First-Stage	Proposed Modifications for Second-Stage	Permitted in Zone C-3-A
Lot size	25,300 sf	23,976 sf	N/A
Building footprint	10,850 sf	11,366 sf	N/A
Lot Occupancy	43%	47%	75% (80% for projects subject to IZ)
Building height	60 feet (not including roof structures)	65 feet (no roof structures over 4 feet)	65 feet (90 feet for PUD)
Residential use	65,000 sf	68,263 sf	95,904 sf (4.0 FAR) (4.5 FAR for a PUD; 4.8 FAR for projects subject to IZ)

Retail/office use	0 sf	0 sf	59,940 (2.5 FAR)
Number of residential units	65 (plus or minus 10 percent)	71	N/A
FAR	2.57	2.85	4.0 FAR matter-of-right; 4.5 FAR for a PUD; and 4.8 FAR for projects subject to IZ
Number of parking spaces	33	26	36 (1 for 2 units)
Number of bicycle parking spaces	22	37	24 (1 for 3 units)
Loading berth length (ft.)	30	30 (no change)	55
Loading platform area (sq. ft.)	200	100	200
Number of delivery/loading spaces	None	None	1 at 20 ft.
Rear Yard	N/A	38.76 feet	13.5 feet minimum
Side Yard	N/A	Min. 7 feet S.W. side 30 feet N.E. side	10.8 feet minimum

B. Flexibility from the Zoning Regulations

The Applicant seeks flexibility from loading requirements, the side yard width requirements, the parking requirements, and the compact parking space requirements, and other minor flexibility during the final design phase of the building for the second-stage PUD application.

1. Flexibility from the Loading Requirements

Section 2201.1 of the Zoning Regulations requires that the Subject Property provide one loading berth at 55 feet, one loading platform at 200 square feet, and one service/delivery space at 20 feet. The Applicant requests flexibility to provide one loading berth at 30 feet and one loading platform at 100 square feet, located outside of the building. The flexibility is necessary

due to the limited area on the Subject Property to provide loading facilities. The project cannot accommodate a 55-foot truck due to the relatively narrow length of the Subject Property and the existing grade change. However, the proposed loading facilities are sufficient to serve the needs of the prospective residents of the Subject Property. Given the proposed unit mix, a 30-foot loading berth will adequately accommodate smaller-sized moving trucks that are anticipated to serve residential units of this size. The Applicant will be able to manage and schedule use of the loading berth and provide an organized process for residential move-ins and move-outs and contemporaneous deliveries.

2. Flexibility from the Side Yard Width Requirements

Pursuant to Section 775.5 of the Zoning Regulations, no side yards are required for apartment houses in the C-3-A District. If a side yard is provided, it must be at least two inches wide for each foot of height of building, but not less than six feet (in this case, 10.8 feet). However, the Applicant proposes to provide a side yard on the southwest side of the building that ranges from 15'10" to 7' wide in some locations. This configuration is necessary to provide sufficient space to accommodate the proposed amenities on the ground floor of the building. Moreover, despite full compliance with Section 775.5, there is ample open space, light, and air surrounding the building in all directions. The Subject Property has a front yard that varies between 3.33' and 8.33', a 38.76' rear yard, and a second side yard on the northeast side of the building that is approximately 30' wide. The Subject Property also has a significant amount of open space in its northeast corner. In addition, the southwest side yard complies with Section 775.5 for most of the building's width, providing additional light and air on this side of the Subject Property. Thus, providing a side yard on the southwest side of the Subject Property that

does not fully comply with the Zoning Regulations will not result in any adverse impacts to the open space on the Subject Property or on the enjoyment and comfort of building residents.

3. Flexibility from the Parking Requirements

Section 2101.1 of the Zoning Regulations requires one parking space for each two dwelling units, or in this case, a minimum of 36 parking spaces. However, the Applicant proposes to provide 26 parking spaces located in the below-grade garage, thus requiring the need for flexibility.

The proposed number of parking spaces is sufficient to meet the anticipated parking demand for the building. The Subject Property is located in close proximity to multiple public transportation options. The Anacostia Metrorail Station, which services the Green Metrorail line, is located approximately one-quarter of a mile (a seven minute walk) from the Subject Property, and a bus stop is located directly in front of the proposed building that services seven different Metrobus lines (90, A42, A46, A48, B2, P6, and U2) with three additional stops located 0.1 miles from the Subject Property (93, W2, and the DC Potomac Avenue/Skyland Avenue route). There are also multiple car- and bike-share stations located within easy walking distance of the Subject Property, providing additional alternative transportation options and reducing the need for building residents to own a car. In addition, the Applicant will provide on-site bicycle parking for 37 bicycles. Collectively, these measures and the ample alternative transportation options will ensure that 26 parking spaces is sufficient to serve the needs of building residents.

The proposed development is consistent with the Comprehensive Plan's goals of investing in transit-oriented development, improving pedestrian facilities, and transforming key District arterials into multi-modal corridors that incorporate and balance a variety of mode choices.

4. Flexibility from the Compact Parking Space Requirements

The Applicant requests relief from the compact parking space requirements of Section 2115.4 of the Regulations. Section 2115.4 provides that compact parking spaces must be placed in groups of at least five contiguous spaces. As shown on the Plans, the building will contain 26 parking spaces located in the below grade garage, eight of which are compact and are not located in groups of at least five contiguous spaces. Providing the compact parking spaces is necessary in order to maximize the efficiency of the garage, provide as many parking spaces as possible, and maintain a drive aisle width of 20 feet. The compact spaces are clustered in the eastern corner of the garage to allow this space to be used efficiently, rather than as a underutilized dead-space.

5. Other Minor Flexibility

The Applicant has made every effort to provide a level of detail that conveys the significance and appropriateness of the project's design for this location. Nonetheless, some flexibility is necessary that cannot be anticipated at this time. Thus, the Applicant also requests flexibility from the following areas:

- i. To be able to provide a range in the number of residential units of plus or minus ten percent from the 71 depicted on the Plans;
- ii. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
- iii. To vary the number, location, and arrangement of parking spaces, provided that the total is not reduced below the number required under the Zoning Regulations.;
- iv. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including curtainwall mullions

and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings and trim; and any other changes to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit.

V. PUBLIC BENEFITS AND PROJECT AMENITIES

A. Overview of Public Benefits and Amenities

As recognized by the Zoning Commission in its first-stage PUD order, the Applicant is providing an exceptional number and level of public benefits and project amenities, including urban design and planning, public space improvements, transportation benefits, employment and training opportunities, housing and affordable housing, and environmental benefits (*see* Z.C. Order No. 08-07 at 7-11).

Overall, the Subject Property will be a transformative development for the Anacostia neighborhood which will blend a mix of long-term affordable units for teachers and artists with permanent supportive housing and market rate units. The project will be delivered by an extremely experienced development team who has a consistent track record of success developing multifamily housing in the District of Columbia. The design and programming addresses a multitude of District government policy priorities, and the project has the full support of both the local stakeholders and their elected officials.

In addition, the proposed development on the Subject Property furthers the objectives and policies of the Comprehensive Plan's housing element. For example, the project furthers *Policy H-1.2.3: Mixed Income Housing*, since the project is mixed-income and disperses affordable housing throughout the city, rather than concentrating such units in economically depressed neighborhoods. The project is also consistent with *Policy H-1.2.5: Workforce Housing* because the pricing for the affordable units will be set at a level that is affordable to teachers, firefighters, police officers, nurses, and members of the other occupational categories listed in Policy H-1.2.5.

The project also furthers the District's policy of leveraging private development to create new affordable housing within the city. Finally, the project is consistent with *Policy H-1.1.5: Housing Quality*, since the affordable units will meet the same high-quality architectural standards provided for the market-rate housing on the overall PUD Site and will be indistinguishable from market rate housing in their exterior appearance.

In compliance with condition B.1.M of the first-stage PUD order, Applicant herein provides a detailed description of the specific public benefits and project amenities provided with the second-stage application for the Subject Property.

B. Housing and Affordable Housing

The Applicant proposes to provide 68,263 square feet of gross floor area devoted to residential uses comprised of 71 new residential units. The Applicant will devote 80 percent of the residential units, which constitutes 57 units and 41,644 square feet of gross floor area, to affordable units targeted to households earning at or below 60 percent of the area medium income ("AMI"). Under matter-of-right zoning in the C-3-A District, the Applicant would only have to dedicate 8% of the residential gross floor area (i.e, 5,461 square feet of gross floor area) to households earning up to 80 percent of the AMI. Thus, the Applicant's proposal to provide 36,183 square feet of gross floor area over what the Zoning Regulations requires, and at a significantly deeper subsidy, is a substantial amenity for this project. The creation of this new housing is consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative.

C. Partnership with Teach for America

The Applicant has signed a memorandum of understanding with Teach for America ("TFA"). TFA will assist the Applicant in preparing residential marketing plans tailored to

attracting teachers to become residents of the proposed building on the Subject Property. Through this partnership, TFA will be able to leverage its professional network to reach out to local teachers and encourage them to apply for affordable housing at the Subject Property. Based on this mutually-beneficial arrangement, the Applicant created a custom design common area on the ground floor of the proposed building to incorporate a teacher work area where tenants can make copies of lesson plans at their convenience, among other amenities.

D. ANC Roof Deck Access

In response to comments from Advisory Neighborhood Commission ("ANC") 8A, the Applicant has agreed to work with ANC 8A to develop a Memorandum of Understanding that will provide for access by ANC 8A to the building's roof deck two times per year for community gatherings and events.

E. Live/Work Studios

The Applicant proposes to provide live/work spaces on the Subject Property to specifically accommodate and attract artists to live in the proposed building. The live/work units will address the need for both housing and work space for local artists. Providing this type of space will retain the creative industry and entrepreneurial spirit of artists within the community and will spur business development, encourage mixed income housing growth, and aid arts-related business and services in the area. Live/work spaces specifically designed and developed for local artists will encourage community development, neighborhood revitalization, and economic stimulation.

The Applicant will coordinate with ARCH Development to assist with the lease up and operation of the building by sourcing income eligible local artists to apply for housing. ARCH Development is a neighborhood-based organization that focuses on the economic regeneration of

the historic community Anacostia. ARCH will also manage the artist work space provided on the ground floor directly off the residential lobby.

F. CBE and First Source Employment Agreement

Expanding employment opportunities for residents and local businesses is a priority of the Applicant. Both Audubon (the project's financing consultant) and Four Points, LLC are CBEs. In addition, a minimum of 35 percent of the eligible project costs will be contracted with CBE-certified firms. The Applicant will also enter into a First Source Employment Agreement with the Department of Employment Services in conjunction with development of the proposed building.

G. Transportation and Public Space Improvements

The proposed development will include a number of elements designed to promote effective and safe vehicular and pedestrian access, transportation management measures, and connections to public transit services. For example, the Applicant has located the vehicular access from the public alley in order to limit potential conflicts with pedestrians and to maximize the pedestrian experience along Martin Luther King Jr. Avenue and Chicago Street. In addition, the Applicant is providing an access easement that connects to Shannon Place for use by existing and new residents. This new easement area constitutes a significant improvement and will help to facilitate safe vehicular movement. The Applicant also proposes a number of public space improvements adjacent to the Subject Property, including new street trees, bicycle racks, streetlight enhancements, and brick paving on Martin Luther King Jr. Avenue.

H. Environmental Benefits

The Applicant is fully committed to providing high-quality housing in the District of Columbia. Through the development of this project, the Applicant will expand its commitment by ensuring the environmental, economic and social sustainability of the residents through the implementation of sustainable design features. A number of strategies will be implemented to enhance the inherently sustainable nature of the site's location and to promote a healthy, desirable, and comfortable lifestyle that will fully benefit the project's residents while minimizing the impact on the environment. The proposed development provides a number of environmental benefits and includes street tree planting and maintenance, landscaping, energy efficiency, methods to reduce stormwater runoff, and sustainable engineering practices.

The project will be designed to meet rigorous energy and environmental design standards using the Green Communities rating system as a guide and performance metric. A Green Communities Checklist indicating the sustainable features of the project is included as sheets 26-29 of the Plans. Green Communities is a nationally-recognized sustainability strategy designed specifically for affordable housing projects, and the program's sustainability requirements are equivalent to LEED for Homes Mid-Rise.

VI. INFORMATION REQUESTED BY THE ZONING COMMISSION

As part of Order 08-07, the Commission required the Applicant to include in each second-stage PUD application updated information regarding the proposed development. The following chart details the Commission's specific requests and the Applicant's related responses.

B.1.A. Detailed architectural plans and elevations that include the information required pursuant to § 2406.12 of the Zoning Regulations.	See Plans, attached hereto as <u>Exhibit C</u> .
B.1.B. A detailed description of how the zoning requirements for each lot are met, with detailed analysis of all zoning relief requested for each building included in the application.	Section V of this document provides a detailed description of how the Subject Property meets the zoning requirements, as well as an analysis of all zoning flexibility requested for the Subject Property.
B.1.C. A detailed description of all environmental/green building initiatives proposed for each building included in the application, including the level of LEED certification that each building will be designed to achieve, with the understanding that the Applicant has already committed to a LEED Gold equivalent for Building 3.	The project will be designed in accordance with the requirements of Green Communities, version 2011. A Green Communities Checklist indicating the sustainable features of the project is included as sheets 26-29 of the Plans. Green Communities is a nationally-recognized sustainability strategy designed specifically for affordable housing projects, and the program's sustainability requirements are equivalent to LEED for Homes Mid-Rise.
B.1.D. A detailed description of the level of affordability for the proposed affordable units and their location on the floor plans in any building including residential use in the application. The applications shall also include for each residential building a calculation of the amount of gross floor area of affordable housing that is being provided within each building, and a comparison to the amount that would be required by Chapter 26 of the Zoning Regulations under the matter of right zoning that existed on the site prior to the PUD-related map amendment. In addition, the application shall indicate the number of dwelling units that would have been required to be set aside for low-income families. If that number cannot be identified, the application may use the equivalent amount of gross floor area.	<p>The Applicant will provide a total of 71 residential units on the Subject Property. Of the 71 units, 80 percent will be designated for families earning at or below 60 percent of the area medium income ("AMI"). The proposed income mix includes eight units at 30 percent of the AMI, 26 units at 50 percent of the AMI, and 23 units at 60 percent of the AMI. The location of the affordable units are indicated on the Plans.</p> <p>Overall, the Subject Property will include 41,644 square feet of gross floor area devoted to affordable housing. In contrast, as a matter of right in the C-3-A District, the Applicant would only have to provide 5,461 square feet of gross floor area devoted to households earning up to 80 percent of the AMI. Thus, under the PUD, the Applicant will provide 36,183 additional square feet of gross floor area than would be provided as a matter of</p>

	right, and at a deeper subsidy.
B.1.E. A detailed description of any shared parking and loading programs for the buildings included in the application.	There are not any shared parking or loading programs proposed in this application.
B.1.F. An updated Traffic Impact Study with documentation on existing conditions, phase conditions, full PUD build-out conditions of each phase submitted, and out-year projections	The Applicant has retained Gorove/Slade Associates to prepare an updated Traffic Impact Study ("TIS") as requested by the Commission. Gorove/Slade has contacted DDOT regarding the proposed scope for the second-stage application and will submit a comprehensive TIS to DDOT no less than 45 days prior to the public hearing. The TIS will incorporate all relevant information requested by the Commission.
B.1.G. An updated loading and curbside management plan that is consistent with DDOT plans for streetcar implementation.	Gorove/Slade will prepare an updated loading and curbside management plan and will submit this report to DDOT no less than 45 days prior to the public hearing. The plan will incorporate all relevant information requested by the Commission.
B.1.H. Any necessary updates to the proposed loading access points for the buildings.	The location of the proposed loading facilities for this building is included in the Plans.
B.1.I. Provide long-term and short-term bicycle parking spaces, including details of the locations relative to entrances.	The Applicant proposes to provide 37 bicycle parking spaces in the garage of the proposed building. The bicycle parking area will be located and designed to provide convenient accessibility for building residents.
B.1.J. A comprehensive Transportation Demand Management program for each building specifically indicating the number of vehicle and bicycle parking spaces to be included in each building included in each second stage application, provided that the overall total number of vehicle parking spaces is a minimum of 1,486 spaces or the then-applicable zoning requirement, whichever is less.	Gorove/Slade will submit a comprehensive transportation demand management ("TDM") program for the Subject Property to DDOT no less than 45 days prior to the public hearing.
B.1.K. An update regarding the status of the	Development of the proposed building does not require any street closings or realignments.

proposed street closings and realignments.	However, for the other components of the overall PUD that do require street closings and realignments, the Applicant is working with the Office of the Deputy Mayor for Economic Development to obtain the necessary approvals to move forward with any necessary street closings and realignments.
B.1.L. An identification of any new transportation-related infrastructure needs such as new or updated signal hardware.	Gorove/Slade will identify any new transportation-related infrastructure needs and submit this information to DDOT no less than 45 days prior to the public hearing.
B.1.M. A detailed description of the specific public benefits and project amenities provided with the second-stage application, the benefits and amenities identified in finding of fact 33 that are being provided with that particular second-stage application, the benefits and amenities that have already been implemented, the benefits and amenities yet to be implemented, and an overall status update and timetable for implementation of the benefits and amenities.	See Section V of this document.
B.1.N. A final Construction Management Plan for the overall project.	The Applicant will provide a construction management plan for Subject Property prior to the public hearing.

VII. CONCLUSION

For the reasons stated above, the Applicant submits that this second-stage PUD application for the Subject Property meets the standards of Chapter 24 of the Zoning Regulations; meets the standards and requirements of the first-stage PUD order; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; is consistent with the land use objectives of the District of Columbia; will enhance the health, welfare, safety, and convenience of the citizens of the District of Columbia; provides significant public benefits and project amenities; advances important goals and policies of the District of Columbia and, therefore, should be set down for a hearing by the Zoning Commission.

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